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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,741	01/04/2002	David Betz	019223-001410US	3598
22434	7590	09/08/2005		EXAMINER
BEYER WEAVER & THOMAS LLP				REKSTAD, ERICK J
P.O. BOX 70250				
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,741	BETZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Erick Rekstad	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5, 9, 15-18 and 21-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 9, 15-18 and 21-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This is a Non-Final Action for application no. 10/040741 in response to the RCE filed on June 27, 2005 wherein claims 1-18 and 21-26 are presented for examination.

### ***Response to Arguments***

Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive.

The applicant argues for independent claims 1 and 15 that King does not teach "an annotator tool for annotating the designated video frame portion by modifying the video frame content corresponding to the designated video frame portion." The annotation by the applicant is described to be an audio wave file, 2d graphics, text strings, zooming and/or panning of the video clip (Col 3 Lines 31-32). King teaches the modifying of the video by presenting text over the video presented to the user (Col 5 Lines 32-51). The applicant argues that King teaches that the original video information is unmodified (Abstract) and therefore does not teach the requirements of the independent claims. As stated above, King teaches the modification of the video provided to a display by outputting the original unaltered video with the annotation. Therefore this output video is a modified video and satisfies the requirements of the independent claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 9, 15, 16, 21, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,600,775 to King et al.

[claims 1, 4, 9, 21, 24 and 26]

As shown in Figure 1, King teaches a video presentation tool kit and method for creating an annotated video presentation formed of a number of linearly associated video frames; comprising:

A user activated designation tool for designating at least a portion of at least one of the number of video frames (Col 4 Lines 44-57);

An annotator tool for annotating the designated video frame portion (25 Fig 1, Col 5 Lines 26-31, Col 6 Lines 8-14); and

And authoring tool arranged to provide additional effects to enhance the designated video frame portion (Col 5 Lines 32-52).

Further, King teaches the designation tool is a pointer icon as required by claim 4 (27 Fig 1, Col 4 Lines 64-65).

As shown in Figure 1, King further teaches the user activated designation tool is activated by way of a user provided command via an input device selected from a group consisting of a graphics tablet, a keyboard, a joystick and a microphone as required by claim 9 (17-19 Fig 1, Col 4 Lines 15-16, Col 4 Line 58-Col 5 Line 6).

[claim 15]

As shown in Figure 1, King teaches a system for creating commentaries associated with a video formed of a number of linearly associated video frames, the system comprising:

A display (13);

An interpreter (10) for receiving commands from a user activated designation tool (17 and 18) for designating at least a portion of at least one of the number of video frames,

An annotator tool for annotating the designated video frame portion (15),

And an authoring tool arranged to provide additional effects to enhance the designated video frame portion (15);

And wherein the commands are associated with video presented on the display;

A memory element storing a computer executable code operable to (Col 4 Lines 20-24):

Receive the commands from the interpreter;

Indicate a segment of the video; and

Format the commands as a computer executable commentary associated with the segment of the video (Col 2 Lines 1-15, Col 4 Line 25-Col 5 Line 6).

[claim 16]

King further teaches the means of adding annotations to a media file and then viewing the annotations with a media file (Col 5 Lines 7-Col 6 Line 7, Fig. 2). It is interpreted by the examiner that by King playing the media file with the annotations,

King is performing an emulation and displaying the results as shown in window (56) of Figure 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over King.

King teaches the system of claim 16 as shown above. King does not specifically teach the display providing a first window wherein at least a portion of the video is displayed in the first display window absent annotations and the commentary is displayed in the second display window, and wherein the commentary as displayed comprises at least a portion of the video title and an associated annotation. It is well known in the art to provide a developer both an original view and an edited view in order to determine if the editing is desirable (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a display containing a first window absent of annotations and a second window containing commentary as it is well known in the art to provide a developer an original and an edited view (Official Notice).

Claims 5, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of US Patent 6,507,696 to Chung et al.

[claims 5 and 25]

King teaches the tool kit of claim 1 and method of claim 21 as shown above.

King further teaches the kit provides an add verbal command and an add graphic command (Col 5 Lines 32-51, Fig. 2). King does not teach the use of a linking tool that links the designated portion to a vista point that provides an enhanced view of a corresponding portion of the designated portion.

Chung teaches the use of providing the user with several options while viewing a digital video. One option is to view an enhanced video (Viewing Angle, Color Adjust) (Col 3 Line 45-Col 4 Line 6, Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vista point commands (chapter jump and viewing angle) of Chung with the system of King in order to provide more options to the viewer while watching a digital video.

[claim 18]

King teaches the system of claim 15 as shown above. King further teaches the system provides an add verbal command and an add graphic command (Col 5 Lines 32-51, Fig. 2). King does not teach the use of an add vista point command.

Chung teaches the use of providing the user with several options while viewing a digital video. The options include Chapter Jump, Editor's Comments, Viewing Angle, Volume Adjust, and Color Adjust (Col 3 Line 45-Col 4 Line 6, Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vista point commands (chapter jump and viewing angle) of Chung with the system of King in order to provide more options to the viewer while watching a digital video.

Claims 2, 3, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Chung and US Patent 6,144,375 to Jain et al.  
[claims 2, 3, 22 and 23]

As shown above, King teaches the tool kit of claim 1. King further teaches the additional effects include a verbal or textual commentary effect, frame freeze effect (pause), and frame drawing effect (Col 5 Lines 7-18 and 32-52, Fig. 2). King does not teach the zoom effect or the color correction effect.

Chung teaches the use of providing the user the option to change Viewing Angle and Color Adjust (Col 3 Line 45-Col 4 Line 6, Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vista point commands (chapter jump and viewing angle) of Chung with the system of King in order to provide more options to the viewer while watching a digital video. Though Chung teaches an angle effect, Chung does not teach the zoom effect.

Jain teaches the highlight creation system in which the user can zoom in on an image (406) and display the zoomed image along with media related to the image in a separate window (402) as required by claim 3 (Col 16 Lines 39-43, Col 20 Lines 6-11, Col 24 Lines 6-24 and 58-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the zoom feature of Jain with the system of King and Chung in order to provide a user with a close up image of a scene along with audio commentary as taught by Jain.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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